



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
CHATTANOOGA ENVIRONMENTAL FIELD OFFICE

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July 18, 2016

CERTIFIED MAIL

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Honorable Ann Davis
Mayor
City of Athens
PO Box 849
Athens, Tennessee 37371-0849

Re: **Compliance Evaluation Inspection**
City of Athens Municipal Separate Storm Sewer System – Phase II
NPDES Permit Tracking Number TNS075141
McMinn County, TN

Dear Mayor Davis:

On June 14, 2016, Mr. Michael Bascom of the Division of Water Resources (DWR) performed a Compliance Evaluation Inspection (CEI) of the Municipal Separate Storm Sewer System (MS4) program for the City of Athens. He met with Shawn Lindsey and April Johnston who provided information during the inspection. The purpose of the inspection was to evaluate the program's compliance with its permit conditions and was limited to the Construction Stormwater element of the City's program.

Permit

City of Athens has coverage under the *National Pollution Discharge Elimination System (NPDES) General Permit for Discharges from Small Municipal Separate Storm Sewer System (MS4)*, permit tracking number TNS075141. The NPDES General Permit MS4 Phase II became effective on February 11, 2011 and has been administratively extended beyond the expiration date of September 1, 2015, until a new general permit is issued state-wide.

During the inspection, DWR conducted a joint inspection of two active construction projects with City of Athens' MS4 (the MS4) personnel, Shawn Lindsey and April Johnston. The first site was Dominion Senior Living located at 2090 W. Madison Avenue (TNR112971) and the second site was E & E Manufacturing located at 2000 Telico Avenue (TNR112871).

Construction Stormwater Inspection

At Dominion Senior Living, City of Athens MS4 and DWR personnel observed the following BMPS in place: construction site entrance; silt fence along the entire perimeter; sediment basin. DWR noted these BMPs were in accordance with the Tennessee construction general permit (TNR 100000) and EPSC Handbook. City of Athens and DWR also observed the following minor deficiencies: an area where silt fence was not entrenched; an area near a telephone pole that required stabilization. DWR agreed with all of Athens MS4 personnel's findings during the inspection. Athens MS4 personnel informed the site operator of the deficiencies on the phone after the inspection. DWR reviewed the contractor's inspection forms to confirm inspections occurred twice each week and that the inspector's EPSC level 1 certification was current.

At E & E Manufacturing, City of Athens MS4 and DWR personnel observed the following BMPS in place: construction site entrance; silt fence along part of the perimeter of the site. During the inspection, City of Athens MS4 and DWR discovered an additional land disturbance behind the main building that was not delineated on the site plans submitted to TDEC. They also observed that erosion controls had not been installed and land disturbance had already begun. City of Athens and DWR also observed the following minor deficiencies: an area where silt fence was not entrenched, silt fence installed perpendicular to drainage at the site instead of parallel to terrain contours (topography). Athens MS4 personnel informed the site operator of the deficiencies via email. DWR asked Athens MS4 personnel how they confirm that the site operator is performing twice weekly inspections and whether the inspector has EPSC Level 1. Athens MS4 responded that they are usually acquainted with the inspector and do not check these requirements unless they observe ongoing problems at the site. In which case, they will ask for documentation such as the contractor's site inspection forms. DWR reviewed the contractor's inspection forms to confirm inspections occurred twice each week and that the inspector's EPSC level 1 certification was current.

Documentation

The MS4 does not have a written procedure for site inspection but the basic requirements are outlined in Section 4.0 and 4.1 of the City of Athens MS4 policy.

Currently, Athens MS4 personnel inspect active construction sites weekly. The inspection form used by the MS4 documents that the construction entrance is evaluated and whether EPSC controls are operating correctly. However, the inspection form does not explicitly state that the outfalls or areas where materials are stored are inspected for discharges, etc., [3.5.8.2 b)]. City of

Athens MS4 maintains documentation of the MS4's site inspections in accordance with their permit.

Site Plan Review

The MS4 does not have a written procedure for site plan review but the basic requirements are outlined in Section 4 of the Athens Stormwater Management Plan titled Controlling Runoff from New Developments, Redevelopments, and Construction Sites.

Currently, Mr. Shawn Lindsey reviews all site plans because he is the only person with EPSC Level 2 certification. He stated that one person with Level 2 has proved sufficient because development activity has been slow for the past several years. He also stated that April Johnston will eventually take over site plans review once she has more experience and Level 2 certification.

Documentation

Currently, the MS4 does not document site plan review. DWR conducted a review of the site SWPPP documents submitted by the permittee to TDEC and was not able to find any information on the site plans or SWPPP regarding the borrow area. While it was evident from the joint inspection that site plans are reviewed because some primary requirements of the permit had been implemented, the MS4 still must document site plan reviews because TDEC DWR must be able to confirm that site plan reviews are being conducted and that they are conducted in accordance with the MS4's written procedures.

In a review of your stormwater policy and SWMPP, TDEC DWR found straw or hay bales are defined as an acceptable sediment and erosion control BMP. Hay bales are not a standard BMP listed in the TNEPSC manual.

Documented pre-construction meetings are necessary to inform site operators of the specific development requirements of the MS4 and protect the municipality. The meetings offer a good opportunity to discuss items such as where the site operator plans to obtain fill or whether large scale changes to the plans are imminent. In the case of the E & E Manufacturing project, City of Athens' MS4 personnel can remind the site operator that erosion controls are to be installed before any earth moving work begins and borrow pits count toward disturbed area.

Violations:

- The MS4 does not have written procedures for construction site inspections, site reviews, and pre-construction meetings (4.2.4 h., f., j ; 4.2.5.4)
- The MS4 does not document its site review process (4.2.4 h.; 4.2.5.4)
- The MS4 does not document pre-construction meetings (4.2.4 j.)

Required actions:

- Revise your inspection form to include all of the items listed in TDEC inspection form at a minimum prior to August 30, 2016.
- Develop detailed procedures and forms for site reviews and pre-construction meetings prior to August 30, 2016. Begin maintaining copies of completed forms for future Audits.
- Please remove straw or hay bales as an acceptable sediment and erosion control BMP from your policy and SWMP.

Additional comments:

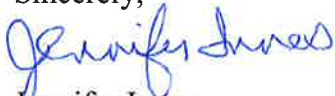
During site plans review, City of Athens MS4 personnel should discuss with the site operator the need for concrete wash out areas and may need to require that they be specified on plans.

During the pre-construction meeting, City of Athens' MS4 personnel should discuss items such as where the site operator plans to obtain fill and advise the site operator that borrow pits count toward disturbed area and additional BMPs and sediment basins may be required.

This letter provides a record of the June 14, 2016 CEI of City of Athens' MS4.

We thank the City of Athens MS4 staff for their efforts toward compliance with its NPDES permit. Furthermore, you have taken a proactive approach for protecting the streams and waterways of Tennessee. If you have any questions concerning either our inspection or this report, please contact Mr. Bascom at (423) 634-5710.

Sincerely,



Jennifer Innes

Program Manager

Division of Water Resources

cc: Shawn Lindsey, Public Works Director, City of Athens MS4